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## SHADES OF AUTHORITARIANISM AND STATE-LABOUR RELATIONS IN CHINA

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### INTRODUCTION

Unchanging authoritarianism is assumed to be a persistent feature of governance in reformist China that consistently limits the scope of citizen action. Cycles of repression and relaxation may come and go but the basic contours of authoritarianism remain. This assumption lacks the nuance required to comprehend shifting state-labour relations in China. Different ‘shades’ of authoritarianism can shape the possibilities for civil action, constraining or extending the spaces where organising is tolerated. These shades can affect, too, the scope for workers organising collective action, the responses of state officials and the potential for finding new ways of addressing workers’ grievances.

Given that the prospect of a well-organised and independent labour movement is anathema to authoritarian regimes, state-labour relations serve well as a barometer to gauge shades of authoritarianism. Given too that China remains nominally ‘a socialist state under the people’s democratic dictatorship led by the working class and based on the alliance of workers and peasants’<sup>i</sup>, state-labour relations acquire an additional symbolic significance to the credibility (or otherwise) of the Communist Party of China (CPC). How the CPC balances repression with concession has consequences for production, capital accumulation and ultimately regime survival. Understanding these shades matters to the analysis of authoritarianism.

To date, case-studies of state-labour relations in authoritarian regimes have not developed a theory of authoritarianism and state-labour relations that accounts for different shades of authoritarian governance. We address this gap by developing a framework for analysing shades of authoritarianism and state-labour relations across authoritarian regimes. We propose four ideal-type shades, namely, exploitative, protective, open and encapsulating. The effects of

these shades on state-labour relations are analysed in terms of approaches to resolving industrial conflicts, labour organising and labour-related policies and legislation. We argue that these shades are shaped by three political-economic contextual factors, namely, globalisation, development strategy and leadership approach to governance.

In applying this framework to state-labour relations in China, we compare two periods of rule, namely, the ‘open’ Hu-Wen era from 2002-2012 and the ‘encapsulating’, Xi Jinping era from 2012 onwards. In the more outward-looking, pragmatic Hu-Wen era, experimentation with different approaches and willingness to engage with perceived adversaries ‘outside the system’ (*tizhi wai*) became possible. Hence localised semi-organised labour action provoked some local governments to respond in new ways. Alternatively, in the more closed, disciplinary type of authoritarianism characteristic of the encapsulating Xi era, harder lines are drawn and innovation is restricted to sources from ‘inside the system’ (*tizhi nei*).

The following section locates our framework of analysis within a broader theoretical literature on authoritarianism in general and recent research on authoritarianism in China in particular. We then present the framework itself with reference to changing state-labour relations in authoritarian regimes. In the subsequent two sections we apply this analytic framework respectively to the Hu-Wen period and the current Xi period. The Xi period has already earned a reputation for being more repressive but Chinese leaders do not abandon entirely the legacy they inherit. In distinguishing ‘shades of authoritarianism’, we suggest that there are likely continuities as well as analytically untidy, fudged areas between shades. Both the continuities and breaks in state-labour relations and the ‘shades of authoritarianism’ underline the dynamic heterogeneity of authoritarianism.

This article draws on over 20 years of extensive field-work by both authors on state-labour relations in China and discussions at a dedicated workshop in 2016 on this topic<sup>ii</sup>. Both researchers have undertaken documentary and interview-based work between 1987 and 2018 on trade unions, grassroots trades unions elections, labour NGOs<sup>iii</sup>, the conditions of migrant workers, and worker resistance. This has included over 300 semi-structured interviews with trade union officials at central and local levels, workers, local government officials, labour studies academics, activist labour lawyers, labour NGOs and staff of civil society organisations. These interviews and documentary work have informed the analysis in this paper.

## AUTHORITARIANISM

An authoritarian state is an illiberal regime with a concentration of power in a single despot or party that is not subject to democratic electoral processes and is propped up by a range of repressive security agencies. It is distinct from a totalitarian state in that there is space for citizen organising, plurality and independent thought (Brooker 2000; Arendt 1951; Friedrich and Brzezinski 1956; Schapiro 1972) but as we argue in this paper, the dimensions of this space are not fixed. Typically, an authoritarian state has the following distinguishing features: the absence of multi-party elections for determining succession; a civil society subject to surveillance and control; government-controlled media; lack of an independent judiciary and courts; hence weak rule of law, and restrictions on civil and political rights (Brooker 2000; Linz 1970; Wintrobe 1998; Diamond 2002). These features create particular governance problems for authoritarian regimes around succession, information deficits, accountability and stability (Wintrobe 1998).

From the 1950s to the 1970s, the political science literature on authoritarianism focussed on developing static, descriptive typologies such as military dictatorships, sultanism, one-party states, theocratic states, bureaucratic authoritarianism, and ‘socialist’ states (Linz 1970, 1975; O’Donnell 1973; Huntington and Moore 1970, Finer 1988; Tucker 1996; Petracca and Xiong 1990; Ma 1990; Sautman 1992). They mainly focussed on the goals and structures of regimes rather than explaining variations across time within authoritarian states or why certain shades of authoritarianism emerged in particular contexts.

With the end of the Cold War and the ensuing wave of democratisation, scholars focussed their attention on emerging democracies and concomitant transitional challenges (Diamond 2002; Huntington 1991). As some fragile democracies gradually reverted to authoritarianism and others displayed hybrid forms of governance that included enduring authoritarian practices, political scientists turned their gaze again to authoritarian states. This not only led to studies on hybrid regimes and the reasons for the lack of democratic consolidation but also opened up new areas of investigation concerned with legitimacy, developmental performance, and durability of states such as China, Vietnam and Cuba (Diamond 2002; Mesquita and Smith 2010; Gandhi and Przeworski 2007; Geddes and Zaller 1989; Dickson et al, 2016). Studies on the relative economic performance of authoritarian states, the provision of public goods and institutional adaptability were important milestones in understanding the endurance of authoritarian regimes (Cassani 2017; Dukalskis and Gerschewski 2017; Heilmann and Perry 2011; Nathan 2003; Mazepus et al 2016).

However, whilst this research deepened understanding of authoritarianism, there was little theorisation of how authoritarianism affected state-labour relations and of how and why these effects vary across time within an authoritarian state. Though there is an abundance of case-studies on state-labour relations in authoritarian regimes, these have mainly focussed on empirical narratives of state domination of labour rather than theoretical insights on the relationship between authoritarianism and state-labour relations. For example, Erol (2017) argues that the current era of Justice and Development Party (JDP) rule in Turkey represents ‘a direct continuity with the post-1980 authoritarian management of labour power’ as the JDP moved to institutionalise practices ‘disadvantageous to workers’ introduced in the years following the 1981 military coup (Celik 2015: 618). Chang (2002) acknowledges a ‘new form of labour relations’ in South Korea, but this does not end ‘coercive control over labour by the state’ (10) and the author offers no theoretical insights with regard to state-labour relations as to why this might be the case. Middlebrook (1995) develops ‘post-revolutionary authoritarianism’ as an analytical guide to the state’s historical domination of Mexican unions despite significant challenges. However, this approach does not explain how shifting allegiances in Mexico’s ruling class altered the forms of this domination, leaving the reader with an ‘oversimplistic view of the state as a know-all transhistorical monolithic actor’ (Brachet-Marquez 1996: 1110). Thus there remains an underlying assumption that authoritarian regimes are homogenous across time, without an appreciation of subtle, nuanced, dynamic shifts *within* the nature of authoritarianism that produce variations in state-labour relations.

These gaps can also be identified in the literature on authoritarianism in China although China has not always been studied in terms of authoritarianism. During the Cold War decades, political analysts framed their discussion of China in terms of a ‘communist’ version of totalitarianism (Schapiro and Lewis, 1969; Friedrich and Brzezinski, 1956). The study of China lay in the broader field of communist studies alongside Cuba, the Soviet Union, Vietnam, Mozambique and Tanzania (White et al, 1983). Maoism was treated as a distinct variety of both communism and totalitarianism with its focus on a dominant, charismatic leader, radical mass mobilisation, and privileging of ideology over economics (Maitan, 1976; Leys, 1978; Fairbank, 1992). With the adoption of market-oriented reforms from 1978, scholarly debates were framed in terms of transition and post-communism<sup>iv</sup>, shifting in the 1990s towards a frame of authoritarianism (Teets 2013; Lee and Zhang 2013; Lai 2016; Tang 2016).

We categorise the Chinese authoritarian state as a type of post-socialist state, that is, a state that is governed by a self-appointed and unelected communist party but pursues a capitalist economic direction, such as Vietnam and to some extent Cuba. Post-socialist states are distinct from the hybrid regimes that typify former Soviet states. The latter project a façade of democracy such as multi-party elections but retain significant authoritarian characteristics. Post-socialist states share continuities with former ‘socialist’ states but depart from them in several ways. They retain some state planning and enterprise although the economy is now driven by market principles fostering private enterprise. They have more plural civil societies but restrictions still limit their scale, influence and growth. Both former ‘socialist’ states and post-socialist states have developed legal regimes to regulate market-led growth but the judiciary and courts continue to have limited independence. Unlike former ‘socialist’ states, post-socialist states remain guided by a single, nominally Marxist Party which, through its capillary structures, dominates social relations at all levels.

Nevertheless, post-socialist states have presided over significant changes to state-labour relations. Distinguishing features of state socialism such as employment security, relative pay equality and enterprise-based welfare have been replaced by fixed-term employment contracts, significant wage differentials, and social insurance-based statutory welfare schemes. In short, the re-introduction of capitalist labour relations has re-commodified labour. The political magnitude of the above has concealed the dynamic nature of many authoritarian regimes and obscured the processes of change, thus contributing to a gap in the literature.

This absence of temporality in the literature is also a feature of research on the resilience of the CPC. The addition of various labels qualifying authoritarianism reflects an unease amongst China scholars with regard to the adequacy of the term ‘authoritarianism’ to capture political and social changes in China and an awareness that subtle shifts in state-civil society relations are a reflection of qualitatively different manifestations of authoritarianism – shades in our terminology. For example, words such as ‘consultative’ (Teets 2013:35), ‘bargaining’ (Lee and Zhang 2013), ‘resilience’ (Nathan 2003), ‘adaptive’ (Shambaugh 2008, Heilmann and Perry 2011), ‘pragmatic’ (Lai 2016) and ‘populist’ (Tang 2016) have been deployed to qualify authoritarianism in China. In Lee’s earlier work (2007), she links legal authoritarianism with processes of local capital accumulation and regime stability in the early Hu-Wen period. These descriptive qualifications of authoritarianism form part of a wider debate about the changes, durability and legitimacy of China’s political regime.

This literature is mainly restricted to the Hu-Wen period and offers scant theorisation of why changes in the form of authoritarianism happen, what drives changes and how they relate to other periods of rule. In contrast, we underline the importance of both periodising authoritarianism as a way to understand its shades and acknowledge continuities as well as breaks. In the next section, we present an analytical framework around the core theme of state-labour relations that allows for distinctive shades of authoritarianism within broader politico-economic contexts. It thus addresses both the gap in the general literature on authoritarianism and state-labour relations and variations across time using China as an illustrative case study.

### FRAMEWORK OF ANALYSIS: SHADES OF AUTHORITARIANISM AND STATE-LABOUR RELATIONS.

By state-labour relations we understand the interactions between state and labour in developing the conditions of employment and possibilities for labour organising in pursuit of collective class interests. We recognise, along with Jessop and others, that the state and civil society (within which labour organising sits) are not static and discrete categories, but rather involve contesting and co-operating agencies with both opposing and fused interests. In short, the state is a socially embedded site of contention (Jessop 2008:7).

A key component of this framework is the idea that ‘shades’ of authoritarianism shape state-labour relations. A ‘shade’ is an ideal-type manifestation of authoritarian governance exhibiting a distinct approach to state-labour relations that is nevertheless blurred at the edges. The ideal type is deployed as an abstract tool of analysis rather than an exact representation of reality. The four ideal-type shades are respectively exploitative, protective, open and encapsulating. They are distinguished by key dimensions of state-labour relations: resolution of industrial conflict, tolerance of labour organising and labour-related policies and legislation.

Shades of authoritarianism change because of the ‘state’s function of regulating the terms and conditions of the capital-labour relationship’ (Jessop 2002:45) and the concomitant need to respond to collective labour agency in order to maintain capitalist development and regime stability. This political economy occurs in a wider context of globalisation, development strategy and leadership approach. When the state promotes a strategy of opening up to the global economy and export-led growth, there are consequences for how it organises labour. This often takes the form of fostering an investment-friendly environment by prohibiting trades unions and keeping labour costs competitive. In a global recession, the state has again to adjust

relations as decreasing export orders reduce the demand for labour and may heighten the likelihood of unrest. States seeking to upgrade their position in the value chain are likely to introduce labour-related policies that encourage skills investment and improved labour conditions. Maintaining social stability is important for ensuring stable growth, thus elevating the central relevance of state-labour relations.

The table below outlines the relations between different shades of authoritarianism and our key dimensions: industrial conflict, labour organising and labour-related policies.

Table 1: Shades of authoritarianism and state-labour relations

	<b>Exploitative</b>	<b>Protective</b>	<b>Open</b>	<b>Encapsulating</b>
<b>Addressing industrial conflict</b>	State adopts a repressive approach to conflict. Trade union functions solely in the interests of state. Labour protest inclines to exit over voice. Strikes spontaneous but not co-ordinated.	State imposes limits to exploitation of workers and disciplines capital. Trade union supports protective measures but continues to function mainly as a state agency. Labour protests use protective laws to claim rights.	Greater openness, inclusion and engagement with non-state actors allows for innovative approaches, dialogue and negotiation such as collective bargaining. Conditional engagement with non-state actors. Repression is targeted and divisive. Workers able to share information on labour protests	State dominates approach to resolving industrial conflict. Limited role for negotiation and experimentation. Trade union functions as a state agency but encouraged to become more active in addressing workers' grievances.

			and co-ordinate experiences and strategies. Opportunities for labour NGOs to build informal alliances with progressive trade union leaders and local government leaders.	
<b>Labour Organising</b>	Little room for labour organising and state is severely repressive. State trade union distributes welfare and disciplines labour. No room for development of labour NGOs or proto-trade unions.	Opens up room for legal activism that promotes labour laws. Activist lawyers emerge to protect workers' rights. Workers use protective laws to claim rights through legal system.	Growth of civil society and some labour organising by labour NGOs and proto-trade unions alongside greater co-ordination of activities. Labour NGOs take on role of advising, educating and guiding workers sometimes supporting	Agency of labour NGOs and progressive trade unionists constrained. Limited room for experimentation and innovation in both labour organising and resolution of industrial conflict. State clamps down on autonomous organising and reasserts itself



			workers in strikes.	as main agent of change.
<b>Labour-related Policies</b>	Employment policies favour employers. Laws and regulations inhibit labour organising.	Policies introduced to protect labour. Strict controls over labour organising continue.	Policies and laws introduced to enable negotiation and arbitration. Workers and labour NGOs exercise some influence over policies. State relaxes surveillance and control over civil society.	Experimentation and innovation limited. No further movement to introduce policies favourable to labour organising No room for labour NGOs to influence policy.

The main factors driving changes in shades relates to the need to maintain legitimacy through continued capitalist growth and ensure regime stability through management of state-labour relations. The shade of authoritarianism that emerges is driven by a conjuncture of factors such as globalisation, domestic development strategy, and leadership approach to governance. Having outlined a general framework of analysis for describing and explaining shades of authoritarianism and state-labour relations, we now apply this to the case of China.

#### China: shades of authoritarianism

In this sub-section we identify the shades of authoritarianism that characterise different phases of authoritarianism and their impact on state-labour relations. In particular we focus our attention on two periods of authoritarianism in China, namely, the Hu-Wen era (2002-2012) and Xi Jinping era (2012 onwards). The dynamics of authoritarianism in these two eras is discussed in detail in the next two sections.

Table 2: Shades of Authoritarianism in China

	<b>Open Hu-Wen Era</b>	<b>Encapsulating Xi Jinping Era</b>
<b>Addressing Industrial Conflict</b>	<p>Pragmatic, outward-looking approach fostering innovation and experimentation such as grassroots trade union elections, arbitration committees, elected worker representatives involved in collective negotiation; street courts; forms of collective bargaining.</p> <p>Generalised awareness of employment laws.</p>	<p>Strikes and labour unrest continue but state restricts innovation in collective bargaining or experimentation.</p> <p>Continuation of protection of labour.</p> <p>Clampdown on reporting of industrial conflicts and labour NGOs excluded from strikes and negotiation.</p> <p>Emphasis on role of Party-led trade union as mediator between capital and labour.</p>
<b>Labour Organising</b>	<p>Growth and pluralisation of civil society organisations creates spaces for labour NGOs and other forms of labour organising such as activist law agencies. Local state harassment of labour NGOs but also toleration of activities such as legal education and advice.</p> <p>Labour NGOs invited to assist local states with service provision to workers.</p> <p>Room for progressive trade union leaders and local officials to innovate and form alliances with similar-</p>	<p>Role of state trade union as sole representative workers' interests reasserted. State encourages cautious union reform so as to appease workers and provide credibility to state encapsulation of change processes. Limited room for reformist trade union leaders to improve workplace representation. Alliances between progressive trade union leaders, local officials and labour activists weakened.</p>

	<p>mindful academics, labour NGOs and activist lawyers. Room for labour NGOs to influence policy.</p> <p>Emergence of grassroots labour organisers and co-ordinated strikes.</p>	<p>Repression of labour NGOs and activist lawyers. Sub-contracting of welfare and educational services to workers to qualifying labour/migrant NGOs. Party moves to establish cells in NGOs to ensure encapsulation and surveillance. State asserts role as main agency of change excluding influence of labour NGOs or labour activists.</p>
<b>Labour-related Policies</b>	<p>Expansion of laws and policies providing greater protection to workers and reducing discrimination against migrant workers. Trade unions open membership to migrant workers. Grassroots trades union elections; emphasis on workplace mediation; policy of repatriating migrants annulled.</p>	<p>No new employment laws. Minor adjustments to existing policies. Sub-contracting policies that engage qualified labour NGOs encouraged. New Foreign NGO law constrains transfer of foreign funds to labour NGOs. No significant initiatives in state-labour relations.</p>

As noted above, these shades of authoritarianism in China are shaped by globalisation, development strategy and leadership approach to governance. This is illustrated in table 3 below, where the columns refer to eras and the rows to factors affecting shades and the consequences for state-labour relations.

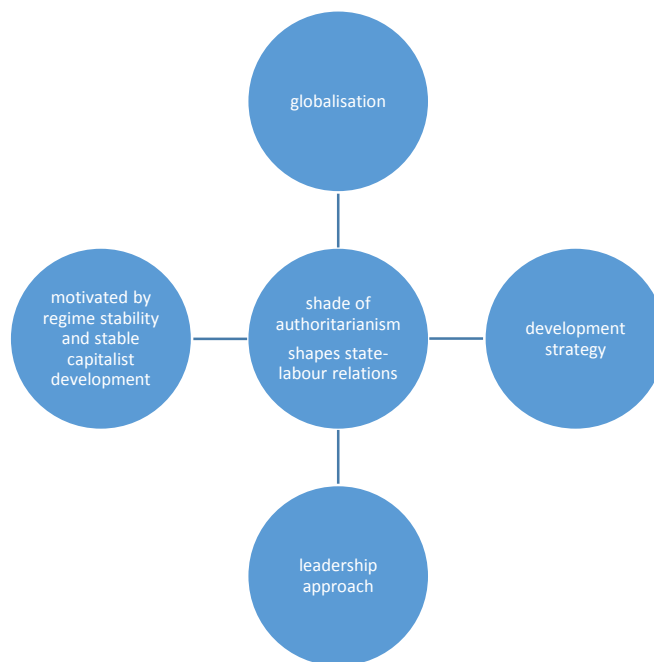
Table 3: Factors affecting shades

	<b>Hu-Wen</b>	<b>Xi Jinping</b>
<b>Globalisation</b>	China goes global. Rapid expansion of trade and inward and outward foreign investment. Global financial crisis from 2008.	Global recession until 2012. Commitment to further opening through Belt and Road initiative.
<b>Development strategy</b>	Export-led model of economic growth complemented by Go Global strategy. Moves to economic rebalancing to address sector and geographic inequalities. More focus on marginalised interests and engagement with society. Systematic development of welfare provision.	Strategy of continued expansion through Belt and Road initiative. Emphasis on technical upgrading in value chain and innovation; enhancing domestic consumption. Engagement with civil society dominated by Party.
<b>Leadership approach to governance</b>	More emphasis on inclusion and redistribution reflected in ideological tropes of people-centre development and harmonious society. Continued repression but more room for civil society to develop. Pragmatic approach towards civil society, fostering innovation, flexibility and adaptation. Move to engage more with social forces in local governance and welfare provision. Stability an ongoing concern.	Reassertion of Party discipline and socialist ideology with Chinese characteristics. Nationalism emphasised and partial rejection of foreign influence. Party encapsulation of process of change. Policy priorities relate to anti-corruption and economic growth, fostering populism, and aimed at maintaining Party rule. Engagement with civil society on Party terms only. Sources of innovation and experimentation come from within the Party system.

<b>Consequences for Shades</b>	<p>More room for innovative and creative ways in addressing workers' grievances and handling industrial conflict.</p> <p>Greater agency for workers and labour NGOs.</p>	<p>Repressive approach to autonomous labour organising.</p> <p>Protective labour laws retained.</p> <p>Attempts by capitalists to weaken content of Labour Contract Law rejected, in part to maintain populist support base amongst workers.</p>
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As the tables suggest, there is a conjuncture of factors such as globalisation, domestic development strategy and leadership approach that shape the shades of authoritarianism and affect the balance of state-labour-relations (see Diagram 1).

Diagram 1: Politico-economic context



In the next section we apply the analytical framework to the period of open authoritarianism under the Hu-Wen leadership. The relative openness of this era by no means implied an end to repression and indeed all labour NGOs were subject to surveillance and some to harassment. However, it did create new edges and spaces where gains for workers and activists could be made.

## OPEN AUTHORITARIANISM: HU-WEN ERA

Migrant workers have played a key role in the success of China's economic reforms but have been largely excluded from the benefits accrued from China's opening up. Not only have marketization and commodification rendered migrant workers vulnerable to poor working conditions, but systemic rigidities around residence status, discriminatory migration policies and considerable urban stigmatisation of the migrant 'other' have barred them from enjoying full citizenship in China's cities (Solinger 1999). Migrant workers' children were not entitled to enter urban schools; workers could not access the urban health-care system, nor receive pensions (Huang et al 2010; Li 2006; Ye et al 2010). They could not be a trade union member, organise as an interest group, access state housing, or receive social security. It was during the Hu-Wen decade that there was a significant shift away from casting migrants as problematic towards a more empathic approach that sought to address gross inequality and grievances in the workplace. State approaches to industrial conflict and labour organising fed into changes in labour-related policies and legislation.

### *Addressing Industrial Conflict: innovation and experimentation*

The open authoritarianism of the Hu-Wen era followed the Jiang Zemin period of leadership (1989-2002) that was biased towards industry and urban areas and neglected the grievances of both rural residents and migrant workers (Huang 2008). The Party/state at local level dealt with industrial unrest primarily through a combination of on-site concessions to protesting workers alongside overt threats of violence. Geographically disconnected but nevertheless widespread protests against the mass redundancies that accompanied state-owned enterprise restructuring came to a dramatic climax in the spring of 2002 with huge protests in North East China. Alarmed by the scale of protests, the authorities' response was to avoid blanket repression and to target organisers. The Jiang administration also initiated the introduction of protective legislation such as the 1993 Regulations for the Handling of Labour Disputes and the 1994 Labour Law to manage labour-capital relations and appease workers.

At the coalface of industrial relations, the persistent pulse of strikes and pressure from the centre to resolve industrial disputes opened up opportunities for local governments, trades unions and workers to engage in new ways during the Hu-Wen era. These included extending the scope of the ACFTU to include migrant workers, experimentation with democratic trade union elections, resolving disputes through street courts (Su and Xin 2010), experimentation with collective bargaining, and elections of workers' representatives in industrial conflicts.

Under pressure from the cadre appraisal system to maintain social order and from central leadership to find less blunt tools for resolving disputes, local leaders experimented with alternative ways of dealing with conflict that did not rely on outright repression.

Under the Hu-Wen leadership, the central Party/state put further pressure on the ACFTU to play a more effective role in mediating and addressing migrant workers' grievances. To this end, the 2003 State Council Office Circular enabled migrant workers to join the ACFTU (Croucher and Miles, 2010: 11). However, the ACFTU's bureaucratic nature and its contradictory dual roles of promoting both worker and Party interests undermined its capacity to represent workers (Harper 1969; Taylor et al 2003; Lee 1986). In any case migrants had little trust in the trade union, which was generally perceived as a spineless, bureaucratic organisation serving either Party or enterprise management interests – or both (White et al, 1996; Lee 2007: 60; Pringle 2011). In order to enhance the effectiveness of grassroots trade unions, the ACFTU introduced democratic trade union elections, leaving it to local governments to implement these or not. Though many provincial and city trades unions failed to pick up the gauntlet, more enterprising trade union leaders in Guangdong and Zhejiang experimented with grassroots union elections (Howell 2008, Pringle 2011, Hui and Chan 2015). However, these experiments were limited to enterprises below a certain size and with a record of industrial peace.

Experiments with collective bargaining took off during the first decade of the millennium, mainly in state enterprises. The tale of the 2010 Honda strikes and the wave of strikes that followed in its wake has been covered in the literature (Chan and Hui 2012; Kai 2013; Elfstrom and Kuruvilla 2014; Hui 2011; Lee, Brown and Wen 2016). Suffice it here to say that this created an opportunity for more progressive trade union leaders, labour NGOs and worker activists to initiate collective bargaining that included varying degrees of accountability via elected workers' representatives (Pringle and Meng 2018). Despite post-election co-optation and harassment of some representatives, the idea of genuine elected worker representatives in collective bargaining was a major breakthrough in industrial relations that spread elsewhere and was infused with considerable symbolic import. It was even more innovative because elections took place in enterprises experiencing unrest rather than industrial peace as had hitherto been the practice.

These innovations signalled a softer, more nuanced approach based on negotiation which, it was hoped, was less likely to escalate unrest. The central government promoted this through

the cadre appraisal system, where rewards were tailored around reducing industrial conflict. There was also a strategic shift away from arresting strikers to engaging in dialogue with leaders, co-opting them through material means (Lee and Zhang 2015) and reserving targeted arrests for occasional use.

*Labour organising and labour NGOs.*

The era of open pragmatic authoritarianism was also characterised by a rapid expansion of civil society, including labour NGOs. Changing public attitudes, policies that sought to reduce inequalities, and a more inclusive approach to migrants made it possible for NGOs, the media, sympathetic trades unionists and local government officials to work directly around labour rights issues and experiment with alternative ways of addressing grievances. The post-Mao history of civil society and labour NGOs has been well documented. Rather than rehearse this again, we highlight four key points relevant to the argument.

First, the period 2002-2012 stands out as the prime period of civil society expansion in China. Not only was there a rapid mushrooming of independent groups concerned with marginalised interests, including migrant workers (Howell 2004), but most new organisations were unregistered due not least to the significant bureaucratic hurdles (Hildebrandt 2011). Though accurate data do not exist, various estimates suggest there were almost 100 labour NGOs across the country by 2010, mainly in the Pearl River Delta (Chan 2012; Xu 2013, Howell 2015).

Second, the links of some labour NGOs to external actors such as Hong Kong labour NGOs, trades unions, foundations, and international networks of labour research enabled innovation in labour activism (Chan 2011; Xu 2013; Pringle 2018). Labour NGOs introduced new ways of approaching workers, such as going to dormitories; using mobile buses to propagate rights; running services; offering legal advice and training; providing leadership support; and at a later stage advising on strikes and bargaining (Xu 2013; Chen and Yang 2017; Howell 2015). As labour NGOs made deeper inroads amongst workers, the ACFTU became increasingly concerned about the impact of institutional competition on their legitimacy.

The third key point is the changing relationships between local state actors and civil society organisations, including labour NGOs. Whilst many local officials remained suspicious of NGOs and reluctant to sponsor their registration, the Ministry of Civil Affairs (MOCA) was eager to harness NGOs for welfare service-delivery (Howell 2015; Hsu 2014). It was often thwarted in this by public security concerns about the destabilising potential of more rights-based groups, especially those with foreign funding. In 2008, the MOCA established pilots to



promote the sub-contracting of welfare services to NGOs by removing the requirement to register with a government department, a key stumbling-block to registration (Howell 2015; Liao et al 2013). This kick-started a process of welfarist incorporation whereby government courted some service-delivery NGOs whilst clamping down on rights-based NGOs (Howell 2015). Plans to tighten control over foreign funding also emerged, a move that was fully realised in the Xi era, highlighting continuities across the two shades of authoritarianism.

Finally, the onset of the 2008 global financial recession led to factory closures, lay-offs of almost 20 million workers (Wangyi News Centre 2009) and growing labour unrest. From here onwards the Party/state made contradictory moves towards labour NGOs, courting some for service-delivery whilst increasing surveillance of others. Labour NGOs continued with their innovative approaches but the changing politico-economic context along with an imminent change in leadership generated uncertainty about their future role in the labour movement.

#### *Labour-related Policy and Legislative Changes*

The Hu-Wen era brought with it a more inclusive political discourse of 'harmonious society' and 'people-centred development' reflecting the new leadership's concern with increasing inequality and social exclusion, issues that Jiang Zemin had drawn attention to at the end of his office. Occasionally violent protests in rural areas prompted reforms such as the re-introduction of rural co-operative medical care in 2002, abolition of agricultural tax in 2006 and modernisation of rural co-operatives in 2007<sup>courts<sup>v</sup></sup>

In 2003 the death in a detention centre of Sun Zhigang, a rural graduate seeking employment in the city, was widely covered in the media, causing public outrage. His case symbolised institutionalised discrimination against rural migrants and often heavy-handed treatment from public security agencies. It marked a turning-point in government policy towards migrant workers. In 2003 the central government abolished the detention and repatriation system and the State Council Office issued a 'Circular on Properly Carrying Out the Work of Employment Management and Service to Peasant Migrant Workers'. In this way the Party could also ensure a steady flow of rural migrants to employers in coastal areas and stabilise capitalist development. This circular heralded a shift in the government's perspective away from seeing rural migrants as a threat to social order towards viewing them as a social group with rights. This more 'people-oriented' approach of the Hu-Wen leadership found further expression in the 2006 'State Council's Opinion on Solving the Issue of Migrant Workers'. Released in the same year as Hu Jintao's conceptualisation of a 'harmonious society', the Opinion stated that

the government would address issues of social security, work injury insurance, medical insurance, pensions, and education for migrant workers' children. It also committed to guaranteeing migrant workers' democratic and political rights, though such language was more rhetorical than substantive. Although this was an Opinion rather than a binding law, it nevertheless signalled a shift towards improved treatment of migrant workers.

Three important pieces of legislation were introduced. The Labour Contract Law (2008) sought to address the problem of workers being repeatedly re-employed on short-term contracts by requiring employers in Article 14 to concede permanent contracts to workers with ten consecutive years' employment record. The Labour Disputes Mediation Law and Arbitration Law (2008) made dispute resolution procedures more flexible by extending the time permitted to file a complaint and reducing the cost for workers (Cooney, Biddulph and Zhu 2013). Article 38 of the Social Insurance Law (2010) enabled injured workers to seek advance payment for treatment from compensation reserves. This was essential for migrant workers who could not afford to stay in the location of employment to seek injury compensation. These laws involved relatively wide consultation and aroused considerable opposition, not least from local governments, foreign investors and foreign chambers of commerce who argued that the relatively labour-friendly laws would act as a barrier to investment (Hui and Chan 2014, Chan 2011, Froissart 2011).

These new laws and policies signalled to local governments that they could undertake regulatory changes to benefit migrant workers at a time when the economic context was changing. With an emerging labour shortage from mid-2000s in Guangdong province and other coastal areas, the bargaining power of migrant workers to improve conditions increased, eventually generating experiments in collective bargaining that continued in to the Xi era. It is within this context that various local governments responded with initiatives to address the working conditions of migrants, such as Zhejiang provincial government's step to gradually replace the temporary residence certificate system with a residence certificate system (Zhao 2008; 2010).

### ENCAPSULATING AUTHORITARIANISM: XI ERA

Viewed through a labour lens, the open authoritarianism of the Hu-Wen era allowed space for innovation, catalysed by labour unrest, inspired by labour NGOs working outside the system (*tizhi wai*) and unions at various levels of the ACFTU on the inside (*tizhi nei*). Labour NGOs' interventions in strikes in Guangdong continued well into the Xi era and the significant impact

of labour NGOs on labour relations spanned both administrations. However, even as innovations such as collective bargaining maintained momentum into 2015, the operational space for those labour NGOs and labour lawyers was narrowing as Xi Jinping consolidated his leadership.

In this section we examine changes and continuities in policies, state-labour relations and the approach to civil society, including labour NGOs, in the Xi era. We argue that Party-disciplined authoritarianism under Xi Jinping is a stronger shade of authoritarian rule less open to influences external to the Party – especially if connected to foreign-funded NGOs –and ruthlessly intent on regime survival. It is premised on emergent uncertainties in the global economy, containing dissent, and providing sufficient public goods. This constitutes a reconfiguration of state-society relations with a focus on reasserting Party control but does not rule out innovation and even adaptation.

*Addressing Industrial Conflict: the end of innovation?*

Workers' increased knowledge of rights and labour shortages facilitated a transition from individualised juridical grievance solutions to some form of unofficial collective bargaining (Chen and Tang 2013; Pringle 2013). Spanning the end of Hu-Wen era and early years of Xi's rule, these changes were most prominent in Guangdong where a combination of labour shortages, relatively high levels of tolerance towards labour NGOs and forward-looking political leadership pushed open authoritarianism to new levels of innovation. These included annual collective bargaining in Guangzhou's auto-sector (Pringle 2017) and even an invitation to selected non-foreign-funded Labour NGOs to work with the Guangdong Federation of Trade Unions on labour rights (Howell, 2015).

The labour militancy that drove these innovations also underpinned increasingly militant interventions in strikes by labour NGOs. The enthusiasm for collective bargaining from non-state actors grew not just among labour NGO practitioners but also amongst academics. From 2010 to 2014, a string of conferences debated the lessons from Guangdong and legal protections for a new layer of elected labour representatives working both inside *and* outside the ACFTU. Indeed, the capacity of experienced labour representatives such as Meng Han, Wu Guijun, Xian Dajin and labour NGOs to influence the outcome of strikes was dramatically illustrated by the nine month dispute at Lide Shoe Factory in Panyu, Guangdong, the immediate outcome of which was greeted as a major victory for the labour movement (Lin 2015).

Official statistics from labour arbitration and the courts show that labour disputes remain at high levels (China Labour Statistics Yearbook 2016: 343). In late 2015, there were signs that workers in China were co-ordinating strikes and even collective negotiations across different regions. In November 2016 Coca-Cola workers in Chengdu, Chongqing and Jilin and agency workers at the FAW-Volkswagen plant in Changchun called respectively for improved trade union representation and use of collective negotiations to settle disputes (CLB 2017). While these disputes involved police interventions and at least one arrest in Changchun, the ongoing labour militancy suggests that tighter Party control over society during the Xi era has not automatically led to a decrease in labour militancy. Indeed, Xi met with ACFTU leaders on two occasions in 2013 and 2015 and ordered a blueprint and timetable for improved trade union representation. This strengthened the strategy to ensure that change and innovation occurred under Party auspices but also indirectly linked the continuing trend of strikes with poor representation. There is thus a careful balance between permitting expression and resolution of grievances and maintaining social stability and capitalist production that draws on experimentation from the period of open pragmatic authoritarianism, even as non-state actors behind innovation are subject to repression.

### *Labour Organising and Labour NGOs*

Xi's construction of a populist 'strong man' image has served as the political backdrop for new laws to regulate an expanded civil society. The authoritarian shading is a complex blend of continuity and change and is designed to ensure that civil society in general and labour NGOs in particular are restricted to acting as apolitical service-providers rather than campaigners and organisers. As a signal of government intent, the Charity Law (2016) was cautiously welcomed by civil society practitioners and academics as an 'enabling' law (Shieh 2016). In contrast, the Law on the Management of Overseas Non-Governmental Organisations' Activities Within Mainland China (hereafter Foreign NGO Law), effective from 1 January 2017, was widely deemed to be 'controlling' (Shieh 2016). Part of this anxiety lay in the securitisation of civil society implicit in the transfer of management of foreign NGOs from the MOCA to the Ministry of Public Security (Gan 2017). Articles 41 and 42 of the Foreign NGO Law give police the power to enter NGO offices or project sites, copy materials, shut down offices, seize property such as computers and freeze bank accounts.

On the ground, the securitisation of civil society has generated waves of repression across various sectors of civil society previously emboldened during the era of open authoritarianism

under Hu-Wen era, such as the Feminist Five, human rights lawyers, investigative journalists, and religious practitioners. For labour NGOs, the nadir came with the coordinated detention of 23 labour activists across Guangdong in December, 2015. Four people connected to the Panyu Migrant Workers Centre were later charged and sentenced for ‘gathering a crowd to disrupt public order’.

Combined with the Foreign NGO Law, these measures have had a sobering impact on civil society organisations. Yet the revised political-legal configuration of state-civil society relations does not spell the end of pragmatic measures using experimentation and innovation altogether. Rather, pragmatism is now encapsulated in an inward-looking Party discipline. Nor does it herald the end of independent, non-state activity. Given the proliferation of NGOs over two decades and the fact that many combine service provision with campaigning, organising and even resistance at times, Xi cannot easily eliminate organisations deemed undesirable. As Howell (2015) noted, the foreign NGO law demonstrates well a strategy to promote service-oriented NGOs and contain rights-based groups. Foreign NGOs can still operate but within a confined framework around service provision, albeit heavily constrained by the new law.

The growth of labour NGOs has been inextricably linked to workers’ capacity to organise collective action which, in turn, takes us back to the ACFTU itself. To varying degrees, labour NGOs form part of the ‘power from below’ (Pringle 2014) that generates pressure on the ACFTU to increase its capacity to protect members’ rights and interests. This pressure on the ACFTU provokes Chinese leaders into demanding better results from the union, especially heading off strikes that may threaten widespread social unrest such as the 40,000 strong shoe workers’ strike at the Yue Yuen plant in 2014. As already noted, in 2015 Xi issued a second instruction to the ACFTU to develop a reform programme to improve labour relations. While some provincial unions put forward plans that include collective negotiations between employers and unions in workplaces, the response to date has been slow. The ACFTU’s Leading Group on Trade Union Pilots in Trade Union Reform made only a passing reference to workplace collective negotiation or trade union elections in a work report issued in 2017 (ACFTU 2017).

#### *Labour-related Policy and Legislative changes*

In political terms, the most far-reaching policy initiative of the Xi era has been the anti-corruption campaign. While the CPC has regularly conducted such campaigns in the past, they have not attained the levels of ‘zeal and acumen’ apparent in Xi’s determination to render China

a country where ‘officials are unable and unwilling to be corrupt’ (China File, 2016). Scholars have argued that Xi’s willingness to go after ‘tigers’ – senior CPC figures – as well as ‘flies’ – provincial- and county-level cadres – has left him exposed (Shambaugh 2015). On the other hand, the Hong Kong-based labour NGO China Labour Bulletin (CLB) argues that Xi ‘cannot afford to sacrifice’ his popularity among working people gained through his anti-corruption campaign precisely because of the political isolation that Shambaugh highlights (CLB, 2017).

Compared to the Hu-Wen era, the Xi era has not initiated regulatory changes in industrial relations. However some provinces have passed regulations on collective negotiations. The Guangdong Province Regulations on Enterprise Collective Contracts (2015) were variously interpreted as either part of Xi’s negative influence on workplace participation or a reaction to workplace militancy that forced the Guangdong government to regulate. The Regulations stipulated that employers must agree to collective negotiations when more than half the workforce demanded them, a higher figure than the 30 per cent in an earlier draft. Some labour NGOs regard the Regulations as a significant setback to earlier hopes, although the ILO office in Beijing was more optimistic stating that the Regulations ‘establish[es] a legal framework for collective bargaining’ (ILO 2015).

In sum, the Xi era is one of Party-disciplined authoritarianism that has isolated itself from non-Party influences as far as possible and cleansed itself of corrupt cadres as deemed necessary. Whilst there have been not been the kind of major policy or legal changes to industrial relations that distinguished the Hu-Wen era, the central government has urged the ACFTU to reform itself to better represent workers and shore up Party legitimacy.

Both eras demonstrate how shades of authoritarianism shape state-labour relations as observed in the shifts and continuities in addressing industrial conflict, labour organising and labour-related policies and legislation. What this portends for the future impact of labour NGOs on industrial relations lies in part with labour NGOs themselves and how they negotiate the increased drift towards a securitisation of civil society management. The Foreign NGO Law’s requirement that NGOs register with the Public Security Bureau is already generating a climate of uncertainty and reducing the appetite for innovation. As a police force, Public Security Bureau officials will have a default setting towards political risk and preventing perceived security risks. This is likely to translate into a lower tolerance of labour NGOs deemed as having been involved in organising strikes and labour protests. For labour NGOs, navigating these changes requires new strategies, skills and relationships. On the other hand, organising

strikes and labour protests has never been the core work of even the most radical labour NGOs. Even in the more open pragmatic authoritarianism of the Hu-Wen era, the focus of labour NGOs interventions was on *resolving* strikes rather than *organising* them.

## CONCLUSION

This article argues for a more nuanced approach to authoritarianism that recognises its dynamic, heterogeneous features across time. This matters not least for understanding how different shades of authoritarianism shape the scope for workers' organising around grievances and how the state responds. Given the lack of theoretical insight in the literature, we developed a framework of analysis linking shades of authoritarianism and state-labour relations. We identified four different shades of authoritarianism, namely, exploitative, protective, open and encapsulating. These shades give rise to particular types of state-labour relations as seen in resolving industrial conflict, labour organising and labour-related policies and legislation. This occurs within a broader political-economic environment shaped by globalisation, development strategy and leadership approach and motivated by the need for regime stability and sustaining stable capitalist development. The dynamics of this framework were illustrated through the lens of post-socialist China during the Hu-Wen and Xi eras.

The Hu-Wen era corresponded to an open, authoritarian shade and the Xi era reflects an encapsulating shade. In an open shade of authoritarianism, opportunities for organisational development, activism and influence emerge. The evolving legal and policy framework for labour relations in the Hu-Wen era generated a sense of optimism and progress premised on workers' capacity to extract concessions from employers and local government authorities. Driven by concerns over stability, open pragmatic authoritarianism looked beyond the Party for input into the formulation of policy and law that envisioned a harmonious balance between CPC rule and civil society. Encouraged by working class militancy, labour NGOs responded with cautious confidence.

An encapsulating shade of authoritarianism does not exclude reform. Rather, it envisages innovation and experimentation falling entirely under Party control, with the potential for civic interventions becoming more constrained. The lines between those working 'inside the system' (*tizhi nei*) and outside the system (*tizhi wai*) are now much bolder. To date, the Xi era has comprised a mixture of controlling and enabling laws that have generated a sense of profound pessimism. Party-disciplined authoritarianism, driven by concerns over the CPC's legitimacy and even survival, has looked to its own organisations for innovation. Whether encapsulating

authoritarianism can leave room for non-Party influence in policy and its implementation in industrial relations remains to be seen. Ongoing labour militancy suggests that this approach is not working well and that labour NGOs are important to the resolution of strikes and unrest. If so, then a less repressive approach may be the key to ensuring stability and production.

In practice boundaries between shades can be messy and fudged, allowing thus for continuities as well as ruptures between shades. Protective legislation introduced in the Hu-Wen era has not been repealed under Xi's administration. Labour activism in the form of strikes and protests has also continued in the Xi era. Furthermore, labour NGOs continue to operate, despite restrictions. This suggests that the encapsulating shade does not guarantee full control over labour organising. There is a residual legacy of confidence, learning and strategic thinking that has become sedimented, shaping in turn the potential of Party-disciplinary authoritarianism to wield full control.

As illustrated through the China case, this attempt at theory-building provides a starting-point for deepening understanding of shifting state-labour relations in different shades of authoritarianism. Whether this framework of analysis can apply to other types of authoritarianism than the post-socialist state remains to be tested. Further application of this framework to other contexts and sectors will be useful in revealing areas for analytic adjustment and refinement. Moreover, this approach can also be useful in aiding practical strategizing for labour activists as shades of authoritarianism shift over time. Overall, the framework contributes to a more nuanced analysis of authoritarianism that reveals subtle changes and temporal heterogeneity.

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<sup>i</sup> Constitution of the People's Republic of China, Article 1.

<sup>ii</sup> We are grateful to the LSE and SOAS for funding this workshop involving labour researchers and activists in August 2016 at the LSE.

<sup>iii</sup> 'Labour NGO' ( *laodong zuzhi*, or *laodong tuanti*) refers to those NGOs that orient all or part of their activities to labour issues such as work injury, conditions of employment, labour rights and interests, and worker education. They may be registered (though most are not) and vary in goals, origins, size, funding, capacity, functions, and degree of independence from state and market. Though the term 'NGO' generally conjures up an image of a legally registered entity with salaried professional staff in China, it includes unregistered organisations operating with varying degrees of autonomy from the government, and may or may not have professional, salaried staff and volunteers.

<sup>iv</sup> See Walder 1995 and *The Journal of Communist Studies and Transition Politics*, which graduated from being *Journal of Communist Studies* (1985 to 1993) to finally *East European Politics* from 2012.

<sup>v</sup> We are grateful to an anonymous reviewer for suggesting the inclusion of these policy changes.